

Boston Redevelopment Authority

Report and Decision

on

An Application

for

Authorization and Approval

of

Project under Chapter 121A of the General Laws
of the Commonwealth of Massachusetts
and Chapter 652 of the Acts of 1960

and for

Consent

to Formation of

Summer Street Realty Corporation

BOSTON REDEVELOPMENT AUTHORITY
REPORT AND DECISION ON APPLICATION FOR
APPROVAL OF THE SUMMER STREET REALTY CORPORATION

121A APPLICATION

A. The Hearing. A public hearing was held at 2:30 p.m. on February 22, 1973 in Room 921, 1 City Hall Square, Boston, Massachusetts, by the Boston Redevelopment Authority (hereinafter called the "Authority") on the Application dated January 26, 1973, of Robert M. Jacobs, Ralph A. Larsen and Richard B. Johnson (hereinafter referred to as the "Applicants") pursuant to the provisions of the Massachusetts General Laws (Ter.Ed.) Chapter 121A, as heretofore amended ("Chapter 121A"), Chapter 652 of the Acts of 1960, as amended ("Chapter 652"), and the Rules and Regulations of the Authority, for authorization and approval of a Project to be constructed, operated and maintained in accordance with the provisions of Chapter 121A, Chapter 652 and the Application and for the consent by the Authority to the formation of a corporation under the name Summer Street Realty Corporation ("Redeveloper" or "121A Corporation") to be organized by the Applicants under Chapter 121A for the purpose of undertaking and carrying out the Project. Due notice of said hearing was given previously by publication on February 6 and 13, 1973, in THE BOSTON GLOBE, a daily newspaper of general circulation published in Boston, and mailing postage prepaid, in accordance with Rule 8 of

of the BOSTON REDEVELOPMENT AUTHORITY RULES AND REGULATIONS FOR SECURING APPROVAL OF PROJECTS IN BOSTON UNDER CHAPTER 121A OF THE GENERAL LAWS AS AMENDED and in accordance with the provisions of Section 13 of said Chapter 652. The following members of the Authority were present during the hearing:

Patrick J. Bocanfuso, Vice Chairman
Paul J. Burns
James G. Colbert
Joseph J. Walsh

B. The Project. The Project consists of the planning, construction, maintenance, management and operation by the Redeveloper of a 14 story office structure on a parcel of land at the corner of Dorchester Avenue and Summer Street, as shown on a plan, attached as Exhibit C to the Application, entitled "Boston Redevelopment Authority; Central Business District, Urban Renewal Area, Project No. Mass. R-82, Boston, Suffolk County, Massachusetts, Delivery Parcel Plan, Parcel C2-1A, prepared by Parsons, Brinkerhoff, Quade and Douglas, Inc. dated January 5, 1973, as revised". Those premises are hereinafter referred to as the "Project Area". The following structures and facilities are proposed to be constructed thereon:

1. An office tower and appurtenant facilities of approximately 14 stories, containing about 900,000 square feet of office space. Most of the available space will be used to

house nearly 5,000 employees of Stone and Webster Engineering Corporation, thereby insuring their continued employment in the Central Business District. A portion of the ground level will be utilized for a bank and some small retail tenants.

2. There will be no on-site parking required, since the proposed 5,000 car South Station garage will provide adequate parking. In addition, the Project Area is ideally located at the City's transportation hub in the new South Station Transportation Center.

C. Authority Action. Before making the findings and determinations hereinbelow set forth and approving the Application, the Authority has considered the Application itself, all documents, plans, exhibits and addenda filed with it or referred to in it, the model of the Project displayed at the hearing, the oral evidence presented at the hearing, the exhibits offered in evidence at the hearing and the arguments and statements made at the hearing. The members of the Authority are also personally familiar with and have viewed the Project Area. The South Station, part of which occupies the Project Area, is both functionally and environmentally obsolete. In addition, it is in severe need of major maintenance and repair, thus the necessity for its demolition and replacement by more hospitable uses.

Decadent Area

1. The Project Area is a decadent area since it is part of a larger area which was previously declared to be a

blighted, deteriorated and deteriorating and decadent area under Chapter 121 of the General Laws by the Authority on May 23, 1968. This finding was concurred in by the Boston City Council in its Resolution approving the South Station Urban Renewal Plan and by the Department of Community Affairs, and the Project Area was purchased in furtherance of said Urban Renewal Plan.

The Project Area is also a decadent area within the definition contained in Section 1 of Chapter 121A in that the area is detrimental to the safety, health, morals, welfare or sound growth of the community because it is improbable that the area will be redeveloped by the ordinary operations of private enterprise without the assistance provided by said Chapter 121A by reason of the following conditions, all of which are applicable to the Project Area:

(a) The existence of building(s) which are out of repair, physically deteriorated obsolete, or in need of major maintenance and repair;

(b) A substantial change of business and economic conditions which has taken place in the Project Area;

(c) Inadequate light, air, and open space, excessive land coverage, and obsolete street patterns.

2. The Project as described in the Application constitutes a "project" within the meaning of said Chapter 121A since it provides for the construction in a decadent or substandard area of decent, safe and sanitary commercial

buildings and such appurtenant and incidental facilities as shall be in the public interest, and the operation and maintenance of such buildings and facilities after construction.

There are conditions which warrant the carrying out of the Project. The purposes of said Chapter 121A and said Chapter 652 will be met. It will involve the construction in a heavily populated area of the City of a large and modern office building having a long usable life and providing needed facilities for commercial use and enjoyment. The erection of a new home office building for Stone and Webster Engineering corporation in Boston will insure the employment of over 5,000 people and prevent the possible loss of these jobs to the Boston economy should the home office be moved to suburban Boston or to another City. It will eliminate conditions of blight, decadence and deterioration, thereby acting as an incentive to the sound growth, redevelopment and renewal of the area in the vicinity of the Project Area. Additionally, the proposed Project, together with the Federal Reserve Bank construction across Summer Street, will provide additional impetus to the revitalization of the South Station Urban Renewal Project. The Project will provide a substantial financial return to the City greatly in excess of the amount presently coming to the City from the Project Area.

3. Cost of Project. The cost of the Project has been correctly estimated and the Project will be practicable. The cost of the Project will be financed by the issuance of one hundred thousand (100,000) of the common shares of the 121A Corporation, having a par value of one hundred (\$100.00) dollars each, to Stone and Webster, Incorporated, in return for a total capital contribution of ten million (\$10,000,000) dollars in cash with such stock to be issued and payment to be received therefor in accordance with construction needs. The remainder of the cost, approximately 70 to 80 per cent, but no more than 90 per cent, will be raised by mortgage financing. The Authority believes that the Redeveloper is well able financially to carry out the Project.

4. Consistency with Master Plan. The Project does not conflict with the Master Plan of the City of Boston. In Resolutions adopted by the Authority on May 23, 1968, approving the South Station Urban Renewal Plan, it was found and determined that such Urban Renewal Plan conforms to the Master Plan, as amended, for the locality. The Project conforms to the South Station Urban Renewal Plan, as amended.

5. Effect of the Project. The Project will not be in any way detrimental to the best interests of the public or the City or to the public safety or convenience or be inconsistent with the most suitable development of the City. The Project will constitute a public use and benefit. The structure to be erected is an attractive, efficiently designed building

which will enhance the general appearances of the Area and furnish attractive working space for hundreds of workers. The location proposed is excellent because of its ready access to public transportation and convenience to the downtown retail area.

The Project will involve only favorable environmental impact except for insignificant noise which may accompany construction.

The Project Area does not include land within any location approved by the State Department of Public Works for the extension of the Massachusetts Turnpike. The carrying out of the Project will not require the erection, maintenance and use of a garage within 500 feet of one or more buildings occupied in whole or in part as a public or private school having more than fifty (50) pupils, or as a public or private hospital having more than twenty-five (25) beds, or as a church.

6. Minimum Standards. The minimum standards for financing, construction, maintenance and management of the Project, all as set forth in Exhibit D, filed with and attached to the Application, are hereby adopted and imposed as rules and regulations applicable to this Project for the same period as the Project is subject to the provisions of said Chapter 121A and said Chapter 652. The Project will not of itself involve the destruction of buildings occupied whole or in part as dwellings.

The Project involves the construction of units which constitute a single building under the Boston Building Code and Zoning Law, and the Authority hereby declares that such units constitute separate buildings for the purposes of Chapter 138 of the General Laws.

7. Deviations. Exhibit E filed with and attached to the Application lists the deviations from the Boston Zoning Code, Building Code and Fire Laws on the total site in the aggregate. For the reasons set forth in the Application and supporting documents, including said Exhibit E, and in the evidence presented at the hearing and in this report, the Authority hereby finds that each and every one of the permissions hereinafter granted is reasonably necessary for the carrying out of the total project and may, subject to such conditions as are hereafter set forth with respect thereto respectively, be granted without substantially derogating from the intent and purposes of the applicable laws, codes, ordinances, and regulations respectively; and the Authority is also satisfied by reliable and generally accepted tests, or by experience in other Cities that the other designs, construction, materials, apparatus, equipment or methods specified in the Application and supporting documents, including Exhibit E and in the evidence presented at the hearing, will sufficiently satisfy the purposes for which it or they are to be used and the purposes of the applicable laws, codes, ordinances, or regulations respectively.

a) Boston Zoning Code

i) Building Bulk - Floor Area Ratio.

Section 15-1 and Table B of Section 13-1 of the Boston Zoning Code provide for a maximum floor area ratio of ten (10) in a B-10 district. Similarly Section 606 of the Urban Renewal Plan provides that maximum floor area ratio, as defined in the Boston Zoning Code, shall not exceed ten (10) for parcels C-1 and C-2 as said parcels are shown on the Authority's Map No. 4, dated May, 1968, and entitled "Central Business District, Urban Renewal Area, Massachusetts R-82 A, B, C." The Authority, pursuant to Section 605 of the Urban Renewal Plan, interprets and construes the floor area ratio requirements thereunder to be identical with and to incorporate those of the Boston Zoning Code.

Under Section 15-6 of the Boston Zoning Code, entitled "Special Floor Area Ratio Provisions for Regulated Projects," since the Project Area is a

" . . . lot in a . . . B-10 district constituting part of a project under Chapter 121 . . . of the General Laws for the development of five or more areas of land,

the floor area ratio may exceed the maximum floor area ratio specified in [the table referred to above]; provided that if so much of the district as constitutes part of such project is taken as one lot, the floor area ratio does not exceed such maximum."

And since the floor area ratio for the South Station Urban Renewal Area, a B-10 district, when taken as one lot, will not exceed ten (10), it is agreed that the Redeveloper shall have the right to erect a building containing as much as 950,000 square feet of gross floor area, and construction on the remainder of the South Station Urban Renewal Area shall be correspondingly restricted to the extent, if any, necessary to conform to the Boston Zoning Code and the Urban Renewal Plan as from time to time in force.

ii) Rear Yard. Section 20-1 and Table B of Section 13-1 of the Boston Zoning Code include the minimum depth requirements for the rear yard. The requirements for an office building in a B-10 district are that the minimum depth be ten (10) feet plus one-twentieth the length of the wall most nearly parallel to the lot line, measured parallel to the lot line. As shown on the Preliminary Building Location Plan filed herewith as part of Exhibit I, the office building would

have a rear yard depth varying from almost thirteen (13) feet down to zero along the proposed vehicular passageway which abuts the southernmost boundary of the Project Area, or an average rear yard depth of about six (6) feet.

If, despite the provisions of Section 211 of The Land Disposition Agreement (Exhibit B), the proposed vehicular passageway were not considered to be a "street" within the meaning of Section 2-1(44) and therefore the lot line were not considered to be a "street line" within the meaning of Section 2-1(45), the exception in Section 20-7 from the rear yards requirements of Article 20 for through lots would not apply. Therefore permission to deviate from any rear yard requirements which might be applicable to the Project is hereby granted.

iii) Setbacks. Section 21-1 and Table B of Section 13-1 of the Boston Zoning Code provide for minimum setback distances for each parapet of a building from the lot line to which it is most nearly parallel. As shown on the Preliminary Building Location Plan filed herewith as part of Exhibit I, it is presently proposed that there will be a setback of zero feet along the street line of the relocated Summer Street. Similarly the proposed location of

the building on the lot will involve a setback of as low as zero feet at one point along the southernmost boundary which abuts the proposed vehicular passageway.

The Applicants properly rely, however, on Section 21-5 of the Boston Zoning Code which provides that the setback requirements are not applicable to "so much of a project under Chapter 121, or Chapter 121A, of the General Laws for the development or redevelopment of five or more acres of land as lies within a . . . B-10 district."

iv) Off-Street Parking. The Project, as presently conceived, will not include any off-street parking facilities. However, the Applicants rely upon the provision in Section 23-6(a) of the Boston Zoning Code that off-street parking facilities are not required for a lot with a maximum floor area ratio of 10.0 as specified in Table B of Section 13.1. In any event, inasmuch as the Urban Renewal Plan provides in Section 606 that provisions for parking are not required within the Project Area and inasmuch as the Authority has provided for other adequate parking facilities elsewhere within the South Station area, permission to deviate from any off-street parking requirements which might be applicable to the Project is hereby granted.

v) Off-Street Loading. Section 24-1 of the Boston Zoning Code and Section 602(c)(2) of the Urban Renewal Plan both include requirements that an office building involving as much as 950,000 square feet of gross floor area shall have at least eight (8) off-street loading bays. Inasmuch as these requirements were formulated to accommodate the requirements of multi-tenant office-type structures having a correspondingly higher requirement for off-street loading facilities, and inasmuch as it is not feasible to comply with other design specifications and criteria if additional bays are planned for the available space, permission to deviate from the above-quoted provision in the Boston Zoning Code is hereby granted. The Authority hereby finds that the requirements of Section 602(c)(2) of the Urban Renewal Plan will be fulfilled if the Redevelopers are required to provide only four (4) such bays.

b) Building Code and Fire Laws

The "headhouse" structure of the South Station, situated on approximately 7,300 square feet of the Project Area and to the west of the proposed office building, is owned by the Authority. The Authority desires to delay demolition of this structure until

the controls it contains can be moved to the proposed new rail terminal for which a redeveloper has not yet been named. As a result, the "headhouse" is not currently scheduled for demolition but it is hoped that demolition may be accomplished in May of 1973. The Applicants have agreed, however, to permit the continued use of the headhouse structure until as late as January 1, 1976. Since the Project itself is scheduled for completion in the summer of 1975, it is conceivable that throughout construction of the office building and for an indeterminate period after its completion a temporary wall of the headhouse structure will remain standing and will be less than six (6) feet therefrom. Accordingly the Authority hereby grants permission to deviate from the requirements of Table 2-1 of Section 221.1 of the Building Code that there be a rated fire wall separation and from any other fire regulations which might apply because of the temporary proximity of structures, only for such time as the temporary wall of the headhouse structure remains.

The Authority hereby finds that the Application and the Project conform to and comply with each and every applicable requirement of Chapter 121A of the General Laws (Ter. Ed.), as

amended, Chapter 652 of the Acts of 1960, as amended, and the applicable Rules and Regulations of the Authority; and the Authority, for these reasons and for the reasons set forth in the Application and supporting documents, and the evidence presented at the hearing, and in this Report, and in the materials referred to in this Report, hereby approves the application, the formation of the Summer Street Realty Corporation and the undertaking of the Project, all as requested in the Application.

